



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,491	01/09/2004	Tristan Halna Du Fretay	02997.002328	6872

5514 7590 06/13/2008  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

LAI, MICHAEL C

ART UNIT	PAPER NUMBER
----------	--------------

2157

MAIL DATE	DELIVERY MODE
-----------	---------------

06/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/753,491	<b>Applicant(s)</b> HALNA DU FRETAY ET AL.	
	<b>Examiner</b> MICHAEL C. LAI	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 29-44 and 58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-15, 29-32, 35-44 and 58 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>18 feb 2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is responsive to communication filed on 3/19/2008.

Claims 1-15, 29-44, and 58 have been examined

#### ***Response to Amendment***

2. The examiner has acknowledged the amended claims 1-2, 6, 9-11, 29-30, 34, 37-39, 58. and cancelled claims 16-28, 45-57, and 59. Claims 1-15, 29-44, and 58 are pending.

#### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. France 03 00834, filed on 01/23/2003.

#### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent **claims**, such as "**means**" and "**said**," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract appears to be copied from claim 1.

5. The abstract of the disclosure is objected to because: 1. The title should be removed. 2. At the bottom, the term "Figure 1" should be removed. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4, 32, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. The term "substantially" in claims 4 and 32 is a relative term which renders the claims indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The sum of the modified size of the preceding second packet and the modified size of the synchronization second packet has been rendered indefinite by the use of the term "substantially."

9. Claim 58 recites the limitations on “a storage medium”, however, the specification describes “storage means” on page 20, line 4. This needs to be clarified.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-4, 7-8, 10, 15, 29-32, 35-36, 38, 42-44, and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al. (US 6,618,549 B1, hereinafter Kato).

Regarding claim 1, Kato discloses a method for the insertion of information for the control of the broadcasting of a data stream in a heterogeneous network, the heterogeneous network including at least one entry sub-network conveying first packets and a basic network conveying second packets, the entry sub-network being connected to the basic network by means of an entry node forming the second packets from at least one sub-part of at least one first packet, wherein the entry node:

receives first packets from the entry sub-network [14 FIG. 1, col. 5, lines 41-47, transport packet];

associates an access level with each first packet from a plurality of access levels, as a function of a predetermined policy of association [13, 14 FIG. 1, col. 5, lines 48-55, "copy prohibited", "copy once" and "copy free"];

forms each second packet by enclosing at least a first packet or part of a first packet into said second packet, the first packets or part of the first packets enclosed within the second packet being associated with a same access level [14 FIG. 1, col. 5 line 56 through col. 6 line 1, isochronous packets];

for each second packet, inserts into a field of the second packet representing the broadcast control information, the same access level associated with the at least first packet or part of a first packet enclosed within the second packet [13, 14 FIG. 1, col. 5 line 65 through col. 6 line 1; col. 8 line 66 through col. 9 line 35, EMI added to 1394 header];

transmits the second packets formed into the basic network [5 FIG. 1, col. 6 lines 1-3].

Regarding claim 2, Kato further discloses wherein, at each change in access level, between a first packet associated with a previous access level and another first packet associated with a new access level, the entry node:

forms a synchronization second packet such that the start of the payload information of the synchronization second packet corresponds to the start of

the payload information of the first packet associated with the new access level [source packet FIGs. 3, 4; col. 6, lines 51-60];  
inserts a synchronization marker in the synchronization second packet [sync byte FIG. 4, col. 2 line 66 through col. 3 line 17].

Regarding claim 3, Kato further discloses wherein the entry node modifies the size of each second packet preceding one of the synchronization second packets, in such a way that no filler element is necessary to complete said preceding second packet [FIG. 4 and col. 9, lines 4-14].

Regarding claim 4, Kato further discloses wherein the entry node modifies the size of the synchronization second packet, so that the sum of the modified size of the preceding second packet and the modified size of the synchronization second packet is substantially equal to the normal size of a second packet [col. 6, lines 33-60].

Regarding claim 7, Kato further discloses wherein, at each change in access level, the entry node also inserts an access level change marker into the synchronization second packet [col. 1, lines 55-63].

Regarding claim 8, Kato further discloses wherein the policy of association of an access level with each first packet is based upon restriction on the use of the data stream and wherein the access level comprises use restriction information [col. 5, lines 52-55].

Regarding claim 10, Kato further discloses wherein the policy of associating an access level with each first packet is based on the use of a plurality of pieces of control information that can be contained in the first packets, and wherein the entry node:

obtains at least one piece of control information, from among said plurality of pieces of control information, contained in a given first packet [col. 3, lines 44-53]; and

associates one of the access levels with the given first packet as a function of said at least one piece of control information obtained [col. 3, lines 54-63].

Regarding claim 15, Kato further discloses wherein the data stream is transmitted by an entry terminal and wherein the entry terminal is integrated into the entry node and the entry node directly generates the data stream in the form of first packets [Integrated Recorder/Decoder 1 FIG. 1 and col. 5 line 30 through col. 6 line 3].

Regarding claim 29, Kato discloses an entry node for the insertion of information for the control of the broadcasting of a data stream transmitted in a heterogeneous network, the heterogeneous network including at least one entry sub-network conveying first packets and said basic network conveying second packets, the entry node being connected to the basic network and to the entry sub-network, wherein the entry node comprises:



means for receiving first packets from the entry sub-network [14 FIG. 1, col. 5, lines 41-47, transport packet];

means for the association of an access level with each first packet from among a plurality of access levels, as a function of a predetermined policy of association [13, 14 FIG. 1, col. 5, lines 48-55, "copy prohibited", "copy once" and "copy free"];

means for the formation of each second packet by enclosing at least a first packet or part of a first packet into said second packet, the first packets or part of the first packets enclosed within the second packet being associated with a same access level [14 FIG. 1, col. 5 line 56 through col. 6 line 1, isochronous packets];

means for the insertion into a field of each second packet, said field representing the broadcast control information, the same access level associated with the at least first packet or part of a first packet enclosed within said second packet [13, 14 FIG. 1, col. 5 line 65 through col. 6 line 1; col. 8 line 66 through col. 9 line 35, EMI added to 1394 header];

means for the transmission of second packets into the basic network [5 FIG. 1, col. 6 lines 1-3].

Regarding claim 30, Kato further discloses:

means for the detection of a change in access level, between a first packet associated with a previous access level and another first packet associated with a new access level [col. 1, lines 55-63].

means for the formation of a synchronization second packet such that the start of the payload information of the synchronization second packet corresponds to the start of the payload information of the first packet associated with the new access level [source packet FIGs. 3, 4; col. 6, lines 51-60];

means for the insertion of a synchronization marker in the synchronization second packet [sync byte FIG. 4, col. 2 line 66 through col. 3 line 17].

Regarding claim 31, Kato further discloses means to modify the size of each second packet preceding one of the synchronization second packets, in such a way that no filler element is necessary to complete said preceding second packet [FIG. 4 and col. 9, lines 4-14].

Regarding claim 32, Kato further discloses means to modify the size of the synchronization second packet, so that the sum of the modified size of the preceding second packet and the modified size of the synchronization second packet is substantially equal to the normal size of a second packet [col. 6, lines 33-60].

Regarding claim 35, Kato further discloses means for the insertion, at each change in access level, of an access level change marker into the synchronization second packet [col. 1, lines 55-63].

Regarding claim 36, Kato further discloses wherein the policy of association of an access level with each first packet is based upon restriction on the use of the data stream and wherein the access level comprises use restriction information [col. 5, lines 52-55].

Regarding claim 38, Kato further discloses wherein the policy of associating an access level with each first packet is based on the use of a plurality of pieces of control information that can be contained in the first packets, and wherein the entry node comprises:

means for obtaining at least one piece of control information, from among said plurality of pieces of control information, contained in a given first packet [col. 3, lines 44-53]; and

means for associating one of the access levels with the given first packet as a function of said at least one piece of control information obtained [col. 3, lines 54-63].

Regarding claim 42, Kato further discloses wherein the heterogeneous network is a home audiovisual network [FIG. 1 and col. 5, lines 30-47].

Regarding claim 43, Kato further discloses wherein the first packets are IEEE 1394 type packets [col. 1, lines 26-32].

Regarding claim 44, Kato further discloses wherein the basic network is a switched network [col. 11, lines 14-28].

Claim 58 is of the same scope as claim 29. It is rejected for the same reason as for claim 29.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 9, 11, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato as applied to claim 1, and in view of Kwoh et al. (US 6,115,057, hereinafter Kwoh).

Regarding claim 9, Kato discloses the claimed invention except for wherein the policy of association of an access level with each first packet is based on the use of a plurality of time slots, and wherein the entry node: obtains the time slot, among said plurality of time slots, that includes the instant of processing, by the entry node, of the given first packet; associates one of the access levels with the first packet as a function of the time slot obtained. Kwoh discloses a method of parental control of viewing of a program by date, time-of-the-day and length [col. 5, lines 14-20]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Kwoh's idea into Kato's method for the purpose of controlling children viewing time by using time slots

together with access level, thereby providing a parent the broad control desirable for controlling the viewing or use of a television by a child [see Kwoh col. 1, lines 54-57].

Claim 11 is a combination of claim 9 and 10. It is rejected for the same reasons as for claim 9 and 10.

Regarding claim 37, Kato discloses the claimed invention except for wherein the policy of association of an access level with each first packet is based on the use of a plurality of time slots, and wherein the entry node comprises: means for obtaining the time slot, among said plurality of time slots, that includes the instant of processing, by the entry node, of the given first packet; means for associating one of the access levels with the first packet as a function of the time slot obtained. Kwoh discloses an apparatus of parental control of viewing of a program by date, time-of-the-day and length [col. 5, lines 14-20]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Kwoh's idea into Kato's system for the purpose of controlling children viewing time by using time slots together with access level, thereby providing a parent the broad control desirable for controlling the viewing or use of a television by a child [see Kwoh col. 1, lines 54-57].

Claim 39 is a combination of claim 37 and 38. It is rejected for the same reasons as for claim 37 and 38.

14. Claims 12-14 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato as applied to claim 1, and in view of Applicant's admitted prior art ("AAPA").

Regarding claim 12, Kato discloses the claimed invention except for wherein the data stream is transmitted by an entry terminal and wherein the entry terminal is a digital type of terminal connected to the entry sub-network and directly generating the data stream in the form of first packets. AAPA discloses that the entry terminal is a digital type of terminal, connected to the entry node through a digital bus (entry sub-network). It directly generates the data stream in the form of first IEEE 1394 packets [see Applicant's specification, page 3, lines 16-18]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate AAPA into Kato's method for the purpose of directly generating the data stream in the form of first packets by using a digital type of terminal, thereby providing faster transmission of the data stream.

Regarding claim 13, Kato discloses the claimed invention except for wherein the data stream is transmitted by an entry terminal and wherein the entry terminal is an analog type terminal, connected to the entry sub-network by means of an independent adapter enabling the conversion, into first packets, of the data stream generated in the form of analog signals by the entry terminal. AAPA discloses that the entry terminal is an analog type terminal, connected to an independent adapter, which is itself connected to the entry node through a digital bus (entry sub-network). The adapter enables the conversion, into first IEEE

1394 packets, of the data stream generated in the form of analog signals by the entry terminal [see Applicant's specification, page 3, lines 19-23]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate AAPA into Kato's method for the purpose of re-using existing equipments by using an analog type of terminal, thereby saving cost in the network.

Regarding claim 14, Kato discloses the claimed invention except for wherein the data stream is transmitted by an entry terminal and wherein the entry terminal is an analog type terminal directly connected to the entry node and wherein the entry node integrates an adapter enabling the conversion, into first packets, of the data stream generated in the form of analog signals by the entry terminal. AAPA discloses that the entry terminal is an analog type terminal directly connected to the entry node. This node integrates an adapter [see Applicant's specification, page 3, lines 24-25]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate AAPA into Kato's method for the purpose of re-using existing equipments by using an analog type of terminal directly connected to the entry node, thereby saving cost in the network.

Regarding claim 40, Kato discloses the claimed invention except for wherein the entry node is directly connected to a entry terminal of analog type , which transmits the data stream and wherein the entry node integrates an adapter enabling the conversion, into first packets, of the data stream generated in the

form of analog signals by the entry terminal. AAPA discloses that the entry terminal is an analog type terminal directly connected to the entry node. This node integrates an adapter [see Applicant's specification, page 3, lines 24-25]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate AAPA into Kato's method for the purpose of re-using existing equipments by using an analog type of terminal directly connected to the entry node, thereby saving cost in the network.

Regarding claim 41, Kato discloses the claimed invention except for wherein the entry node comprises an entry terminal, which transmits the data stream and wherein the entry node comprises means for the direct generation of the data stream in the form of first packets. AAPA discloses that the entry terminal is a digital type of terminal, connected to the entry node through a digital bus (entry sub-network). It directly generates the data stream in the form of first IEEE 1394 packets [see Applicant's specification, page 3, lines 16-18]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate AAPA into Kato's method for the purpose of directly generating the data stream in the form of first packets by using a digital type of terminal, thereby providing faster transmission of the data stream.

***Allowable Subject Matter***

15. Claims 5-6 and 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made.

Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

17. Saito et al., US Patent Number 6,751,221 B1, has taught a data transmitting node and a network inter-connection node suitable for use in the home network environment.

18. Shippy et al., US 2005/0254645 A1, has taught a method and system for safeguarding data between a device driver and a device.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/753,491  
Art Unit: 2157

Page 18

Michael C. Lai  
02JUN2008

/Yves Dalencourt/

Primary Examiner, Art Unit 2157